

CCR §	Topic	Comments
2070, 2075, 2085, 2090	Applicability, Examinations, Disclosure, Records, Reports	Minor changes to clarify applicability to fiberglass industry and necessity of reports for Division to carry out its duties under law.
2227	Reporting – container manufacturers	New section detailing minimum-content reporting requirements for container manufacturers. <ul style="list-style-type: none"><li>• Manufacturers report amount of mixed-color and color-sorted cullet used.</li><li>• Monthly reports on revised <i>Report of Recycled Glass Content</i> or similar document.</li><li>• Monthly reports due within 45 days after end of month.</li><li>• Reports subject to audit.</li><li>• "Glass container manufacturer" means the corporate entity that owns individual glass container plants.</li></ul>
2250	Calculations - container manufacturers	New section detailing how minimum-content percentages are currently calculated. <ul style="list-style-type: none"><li>• Numerator = aggregate tons of postfilled glass used by each glass container manufacturer.</li><li>• Denominator = aggregate tons of new glass food, drink, or beverage containers made in California.</li><li>• The Division also will calculate the percentage of mixed-color cullet in the postfilled glass used by manufacturers. Numerator = aggregate tons of mixed-color cullet used by each glass container manufacturer; denominator = aggregate tons of postfilled glass used.</li></ul>

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2260(a) 2260(b) 2260(c)	Waiver or reduction of minimum percentage requirements	<p>New section detailing criteria for granting waivers or reductions based on lack of available cullet or technological infeasibility.</p> <ul style="list-style-type: none"> <li>• Request must be in writing by February 28.</li> <li>• Must state specific reason for failure to use sufficient amounts of cullet.</li> <li>• Must verify best-faith efforts to use as much cullet as feasible.</li> </ul>
2260(d)	Criteria for evaluating technological infeasibility	<ul style="list-style-type: none"> <li>• The manufacturer's attempts to overcome technological barriers by adjusting cullet processing, furnace chemistry, etc.</li> <li>• Prevailing manufacturing standards, including ASTM.</li> <li>• Necessary cullet specifications that are more restrictive than ASTM.</li> <li>• Evidence cullet failed to meet minimum quality specifications.</li> <li>• Unique manufacturing characteristics that limited cullet use.</li> <li>• Compliance with other laws that restrict a manufacturer's use of cullet.</li> </ul>
2260(e)	Criteria for evaluating cullet availability – basic test	<p>Basic test: manufacturers have complied if statewide annual cullet use by container and fiberglass companies in CA is greater than or equal to 100% of glass collected through the redemption system. (See 12-30-02 Cullet "availability" Guideline.)</p> <ul style="list-style-type: none"> <li>• Annual cullet use comes from minimum-content reports currently submitted by container and fiberglass companies. Annual collected glass comes from Beneficiating Processor purchases reported on the <i>Scrap Value Survey</i>, excluding purchases from <del>other</del> other Beneficiating Processors.</li> <li>• The Division will average the last three calendar years of cullet use and glass collection. Estimated plate glass purchases by fiberglass manufacturers will be subtracted from container manufacturer use, since container manufacturers must use "postfilled glass" by law.</li> <li>• If basic test is met, Division may grant reduction equal to actual percentage used by the manufacturer.</li> </ul>

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2260(e)(4)	Criteria for evaluating cullet availability – case-by-case	<p>Even if basic test is not met, Division still may grant waiver for unavailability of cullet. Additional records may be required to document:</p> <ul style="list-style-type: none"> <li>• Efforts of a manufacturer to obtain sufficient cullet, including potential suppliers contacted and prices offered.</li> <li>• All cullet purchases during the year and offers rejected by the manufacturer.</li> <li>• Amount of cullet stored from prior years.</li> <li>• Supplier statements that no cullet was available.</li> <li>• The percentage of material “lost” during beneficiation, to account for non-glass contaminants eliminated during final processing.</li> <li>• Raw material costs.</li> <li>• Cullet cost, by color.</li> <li>• Transportation costs of delivered raw material and cullet.</li> <li>• Contracts that may affect a manufacturer’s purchases of cullet.</li> </ul>
2260(e)(5)	Criteria for evaluating cullet availability – additional factors	<p>Division may consider additional factors:</p> <ul style="list-style-type: none"> <li>• Averages prices for cullet delivered to container manufacturers, by color.</li> <li>• Percentage of cullet used by other CA container and fiberglass manufacturers.</li> <li>• Distances from cullet sources to manufacturers.</li> <li>• Actual plate glass purchases by manufacturers.</li> <li>• Cullet sales by processors to other end-users, and sales outside CA.</li> <li>• Cullet purchases by processors from outside CA.</li> </ul>
2265	Penalties	<p>Division may consider:</p> <ul style="list-style-type: none"> <li>• Percentage of cullet actually used by the manufacturer during the year.</li> <li>• Number and location of CA plants operated by the manufacturer and volume of product produced.</li> <li>• Benefits to the manufacturer from using less cullet.</li> <li>• Unique manufacturing characteristics that may have contributed to the manufacturer’s failure to achieve the minimum percentage.</li> <li>• Unique manufacturing characteristics that limited cullet use.</li> </ul>

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2420, 2425	Records – Beneficiating Processors	<p>New paragraphs. Beneficiating Processors will provide quarterly reports of all purchases of glass and all sales of cullet to end-users, both inside and outside of CA.</p> <ul style="list-style-type: none"> <li>• Purchase records will include tons and prices of mixed-color and color-sorted container glass; postconsumer plate glass; and any other glass.</li> <li>• Sales records will include those categories of cullet sold, by category of end-use, including food and beverage containers; fiberglass insulation; construction; alternative daily cover; and Other.</li> </ul>
2990, 2993, 2994	Records and calculations – fiberglass manufacturers	<p>New sections detailing minimum-content reporting requirements for fiberglass manufacturers.</p> <ul style="list-style-type: none"> <li>• Annual reports will include the data in the current <i>Fiberglass Minimum Content Reports</i>. Cullet use will be further broken down into tons of container cullet and all other cullet.</li> <li>• Reports subject to audit.</li> <li>• "Fiberglass manufacturer" means the corporate entity that owns individual fiberglass plants.</li> <li>• Calculation of recycled-content level will be based on the formula in the current <i>Fiberglass Minimum Content Report</i>, including allowance for cullet used by out-of-state plants.</li> </ul>
2995	Waiver or reduction of minimum percentage requirements – fiberglass	<p>Waiver requests from fiberglass manufacturers follow the same guidelines as those for container manufacturers (CCR §2260), except:</p> <ul style="list-style-type: none"> <li>• Applicable ASTM standards are those for fiberglass manufacture.</li> <li>• Statewide cullet use will include non-container cullet as defined in the fiberglass law at PRC §19502(a).</li> <li>• Division may consider additional factors in CCR §2260(e)(5) as they apply to fiberglass manufacturing.</li> </ul>
2997	Penalties – factors to consider	<p>Substantially the same as for container manufacturers in CCR §2265, except as they apply to fiberglass manufacturing.</p>